

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MAINSTREET SOUTHSIDE
CENTER, LTD,

Plaintiff,

v.

Civil Action No: _____

RIVERSIDE ABSTRACT, LLC,

Defendant.

NOTICE OF REMOVAL

COMES NOW, Defendant, Riverside Abstract, LLC (“Riverside”), by and through undersigned counsel of record, pursuant to 28 U.S.C. §§ 1441 and 1446, without waiving any available defenses, and files this Notice of Removal. Riverside hereby removes this action from the State Court of Fulton County, Georgia to the United States District Court for the Northern District of Georgia, Atlanta Division. As grounds for removal, Riverside would show the Court as follows:

1. This matter was originally filed in the State Court of Fulton County, Georgia on or about May 11, 2023, naming Riverside as a party Defendant. A

copy of Plaintiff, Mainstreet Southside Center, Ltd.'s ("Plaintiff"), original state court Complaint and Summons are attached hereto as Exhibit A.

2. This action sounds in contract, purportedly arising out of an earnest money deposit made under a purchase and sale agreement by and between Plaintiff and non-party BHN Associates, LLC.

3. Riverside was never served with a copy of the Complaint and attendant Summons; however, Counsel for Riverside accepted service on June 20, 2023. A copy of the Summons is attached hereto as part of collective Exhibit A. This Notice of Removal is filed within thirty (30) days from the date Riverside received notice of the suit and is therefore proper under 28 U.S.C. § 1446.

4. The parties to this action are completely diverse. Plaintiff purports to be a limited partnership organized under the laws of the State of Florida. Upon information and belief, Plaintiff's partners are likewise citizens of the State of Florida. The Florida Secretary of State reflects that Mainstreet Southside Center, Inc., a Florida corporation, is the Plaintiff's general partner, and no other partners are listed. Riverside is a limited liability company organized under the laws of the State of New York, with a principal place of business in New York, and whose members are all citizens of the State of New York; as such, for the purposes of diversity jurisdiction, Riverside is a citizen of the State of New York.

5. The Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(1) as the suit is between citizens of different states and the amount in controversy exceeds the sum of \$75,000.00, exclusive of interests and costs. Plaintiff pleads damages in the amount of \$750,000.00, as well as attorneys' fees.

6. Venue of this removal action is proper pursuant to 28 U.S.C. § 1441(a) as this Court is the United States District Court for the district and division where the action is pending.

7. In accordance with 28 U.S.C. § 1446(a), true and correct copies of all pleadings filed to date in the state court action by any party are attached hereto in Exhibit A.

8. In accordance with 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served by U.S. mail on counsel for Plaintiff, and a Notice of Filing of Notice of Removal is being filed with the State Court of Fulton County, Georgia. The necessary filing fees have been paid simultaneously with the filing of this Notice of Removal.

WHEREFORE, PREMISES CONSIDERED, Defendant, Riverside Abstract, LLC, requests that this Court now REMOVE this Civil Action from the State Court of Fulton County, Georgia, and that further proceedings now be conducted in the United States District Court for the Northern District of Georgia,

Atlanta Division, as provided for and consistent with the laws of the United States of America.

DATED this 21st day of June 2023.

Respectfully submitted,

GLANKLER BROWN, PLLC

By: /s/ S. Joshua Kahane

S. Joshua Kahane (TN #23726) *
(AR # 2021046)
(MS #102085)
(NJ # 371162021)
(NY #822883)
(TX #24094087)
(DC# 1742963)
(OH #101731)

Aubrey B. Greer (TN #356136) *
6000 Poplar Ave., Suite 400
Memphis, Tennessee 38119
Phone: (901) 525-1322
Fax: (901) 525-2389
jkahane@glankler.com
agreer@glankler.com

* Applications for admission *pro hac*
forthcoming

Attorneys for Defendant
Riverside Abstract, LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon the following parties by operation of the Court's ECF system and/or United States Mail, postage prepaid:

Gregory M. Taube, Esq.
Nelson Mullins Riley & Scarborough LLP
201 17th Street, N.W.
Suite 1700
Atlanta, Georgia 30363
greg.taube@nelsonmullins.com

/s/ S. Joshua Kahane